

Leonard B. Sand at the United States Courthouse located at 500 Pearl Street, Courtroom 15-A, New York, New York, on March 15, 2012 at 2:15 p.m. for an Order, pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing the First Amended Complaint as against the EMB Defendants for failure to state a claim for which relief may be granted and for such other and further relief as this Court may deem just and proper.

Dated: February 13, 2012

PECKAR & ABRAMSON, P.C.
Attorneys for Defendants
EMB Contracting Corp., Michael
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/s/ Thomas J. Curran

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